

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

ROBERT EARL ELLIS

PETITIONER

VS.

CIVIL ACTION NO. 3:08CV44TSL-FKB

COOPER MISSKELLEY, ET AL.

RESPONDENTS

ORDER

This cause is before the court on the objections of petitioner Robert Earl Ellis to the magistrate judge's report and recommendation entered on February 22, 2011. Having reviewed petitioner's submission, the court now concludes that petitioner's objection is without merit and hereby adopts, as its own opinion, the magistrate judge's report and recommendation.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate F. Keith Ball entered on or about February 22, 2011, be, and the same is hereby, adopted as the finding of this court.

It is further ordered that a certificate of appealability should not issue. With regard to the procedurally barred claims, petitioner has failed to show that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000). Regarding the claims addressed on the merits, petitioner has failed to "demonstrate

that reasonable jurists would find the [] court's assessment of the constitutional claims debatable or wrong." Id.

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 8th day of March, 2011.

/s/ Tom S. Lee

UNITED STATES DISTRICT JUDGE
